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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CHRIS MILOSCH, individually and on ) Case No.  
behalf of all others similarly situated, ) **CLASS ACTION**

Plaintiff, ) **COMPLAINT FOR VIOLATIONS**  
 ) **OF:**

VS.

TAURUS PROCESSING, and DOES 1 through 10, inclusive, and each of them, Defendant.

1. NEGLIGENT VIOLATIONS  
OF THE TELEPHONE  
CONSUMER PROTECTION  
ACT [47 U.S.C. §227(b)]
2. WILLFUL VIOLATIONS  
OF THE TELEPHONE  
CONSUMER PROTECTION  
ACT [47 U.S.C. §227(b)]
3. NEGLIGENT VIOLATIONS  
OF THE TELEPHONE  
CONSUMER PROTECTION  
ACT [47 U.S.C. §227(c)]
4. WILLFUL VIOLATIONS  
OF THE TELEPHONE  
CONSUMER PROTECTION  
ACT [47 U.S.C. §227(c)]

## DEMAND FOR JURY TRIAL

1 Plaintiff CHRIS MILOSCH (“Plaintiff”), individually and on behalf of all  
2 others similarly situated, alleges the following upon information and belief based  
3 upon personal knowledge:

4 **NATURE OF THE CASE**

5 1. Plaintiff brings this action individually and on behalf of all others  
6 similarly situated seeking damages and any other available legal or equitable  
7 remedies resulting from the illegal actions of TAURUS PROCESSING  
8 (“Defendant”), in negligently, knowingly, and/or willfully contacting Plaintiff on  
9 Plaintiff’s cellular telephone in violation of the Telephone Consumer Protection  
10 Act, 47 U.S.C. § 227 *et seq.* (“TCPA”) and related regulations, specifically the  
11 National Do-Not-Call provisions, thereby invading Plaintiff’s privacy.

12 **JURISDICTION & VENUE**

13 2. Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because Plaintiff,  
14 a resident of California, seeks relief on behalf of a Class, which will result in at  
15 least one class member belonging to a different state than that of Defendant,  
16 TAURUS PROCESSING, is a California entity. Plaintiff also seeks up to  
17 \$1,500.00 in damages for each call in violation of the TCPA, which, when  
18 aggregated among a proposed class in the thousands, exceeds the \$5,000,000.00  
19 threshold for federal court jurisdiction. Therefore, both diversity jurisdiction and  
20 the damages threshold under the Class Action Fairness Act of 2005 (“CAFA”) are  
21 present, and this Court has jurisdiction.

22 3. Venue is proper in the United States District Court for the Central  
23 District of California pursuant to 28 U.S.C. § 1391(b)(2) because Defendant does  
24 business within the State of California and Plaintiff resides within the Orange  
25 County.

26 **PARTIES**

27 4. Plaintiff, CHRIS MILOSCH (“Plaintiff”), is a natural person residing  
28 in Seal Beach, California and is a “person” as defined by 47 U.S.C. § 153 (39).

1           5. Defendant, TAURUS PROCESSING, is a legal entity in the business  
2 of marketing and research, including offering live-transfer lead generation services  
3 for merchant funding businesses, and is a “person” as defined by 47 U.S.C. §  
4 153(39). The above named Defendant, and its subsidiaries and agents, are  
5 collectively referred to as “Defendants.” The true names and capacities of the  
6 Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are  
7 currently unknown to Plaintiff, who therefore sues such Defendants by fictitious  
8 names. Each of the Defendants designated herein as a DOE is legally responsible  
9 for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the  
10 Complaint to reflect the true names and capacities of the DOE Defendants when  
11 such identities become known.

12           6. Plaintiff is informed and believes that at all relevant times, each and  
13 every Defendant was acting as an agent and/or employee of each of the other  
14 Defendants and was acting within the course and scope of said agency and/or  
15 employment with the full knowledge and consent of each of the other Defendants.  
16 Plaintiff is informed and believes that each of the acts and/or omissions complained  
17 of herein was made known to, and ratified by, each of the other Defendants.

18                           **FACTUAL ALLEGATIONS**

19           7. Beginning in or around July 2016, Defendant contacted Plaintiff on  
20 Plaintiff’s cellular telephone number ending in -3322, in an attempt to solicit  
21 Plaintiff to purchase Defendant’s services.

22           8. On information and belief, NATIONAL BUSINESS CAPITAL  
23 (“NBC”) hired Defendant to generate leads and place calls on NBC’s behalf. That  
24 is, NBC hired Defendant to place calls to telephone numbers of potential leads  
25 with whom Taurus and NBS might solicit services. Under this arrangement, Taurus  
26 placed calls utilizing pre-recorded voice messages to Plaintiff and others similarly  
27 situated by using an “automatic telephone dialing system” as defined by 47 U.S.C.  
28 § 227(a)(1). Defendant would call Plaintiff and others similarly situated and then,

1 when someone such as Plaintiff answers, transfer the call to NBC.

2 9. Defendant used an “automatic telephone dialing system” to place its  
3 call to Plaintiff seeking to solicit its services.

4 10. Defendant contacted or attempted to contact Plaintiff from telephone  
5 numbers (508) 203-4038 and (631) 237-8898.

6 11. Defendant’s calls constituted calls that were not for emergency  
7 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

8 12. Defendant’s calls were placed to telephone number assigned to a  
9 cellular telephone service for which Plaintiff incurs a charge for incoming calls  
10 pursuant to 47 U.S.C. § 227(b)(1).

11 13. During all relevant times, Defendant did not possess Plaintiff’s “prior  
12 express consent” to receive calls using an automatic telephone dialing system or an  
13 artificial or prerecorded voice on his cellular telephone pursuant to 47 U.S.C. §  
14 227(b)(1)(A).

15 14. Plaintiff’s cellular telephone number ending in -3322 was added to the  
16 National Do-Not-Call Registry before Defendant called Plaintiff.

17 15. Furthermore, Plaintiff requested that Defendant put him on their own  
18 Do-Not-Call list multiple times.

19 16. Defendant placed multiple calls soliciting its business and the business  
20 of its clients to Plaintiff on his cellular telephone ending in -3322 in or around July  
21 2016.

22 17. Such calls constitute solicitation calls pursuant to 47 C.F.R. §  
23 64.1200(c)(2) as they were attempts to promote or sell Defendant’s services.

24 18. Plaintiff received numerous solicitation calls from Defendant within a  
25 12-month period.

26 19. Plaintiff requested for Defendant to stop calling Plaintiff during one  
27 of the initial calls from Defendant, thus revoking any prior express consent that had  
28 existed and terminating any established business relationship that had existed, as

1 defined under *16 C.F.R. 310.4(b)(1)(iii)(B)*.

2 20. Despite this, Defendant continued to call Plaintiff in an attempt to  
3 solicit its services and in violation of the National Do-Not-Call provisions of the  
4 TCPA.

5 21. Plaintiff has no existing business relationship with Defendant, nor did  
6 he have one at the time these calls were placed.

7 22. On information and belief, Defendants utilize web scraping tools to  
8 pull lists of phone numbers from public sources, and compile said numbers into a  
9 list, from which Defendant's ATDS randomly or sequentially dials numbers,  
10 utilizing automated means, and with a pre-recorded voice. On information and  
11 belief, Defendants do not employ scrubbing technology to scrub/screen either for  
12 phone numbers that appear on the National Do Not Call List, or for cellular phone  
13 numbers, prior to dialing these "scraped" numbers *en-masse*.

14 23. Upon information and belief, and based on Plaintiff's experiences of  
15 being called by Defendant after requesting they stop calling, and at all relevant  
16 times, Defendant failed to establish and implement reasonable practices and  
17 procedures to effectively prevent telephone solicitations in violation of the  
18 regulations prescribed under *47 U.S.C. § 227(c)(5)*.

19 **CLASS ALLEGATIONS**

20 24. Plaintiff brings this action individually and on behalf of all others  
21 similarly situated, as a member the four proposed classes (hereafter, jointly, "The  
22 Classes"). The class concerning the ATDS claim for no prior express consent  
23 (hereafter "The ATDS Class") is defined as follows:

24 All persons within the United States who received any  
25 solicitation/telemarketing telephone calls from  
26 Defendant to said person's cellular telephone made  
27 through the use of any automatic telephone dialing  
28 system or an artificial or prerecorded voice and such  
person had not previously consented to receiving such

1 calls within the four years prior to the filing of this  
2 Complaint

3 25. The class concerning the National Do-Not-Call violation (hereafter  
4 “The DNC Class”) is defined as follows:

5 All persons within the United States registered on the  
6 National Do-Not-Call Registry for at least 30 days, who  
7 had not granted Defendant prior express consent nor had  
8 a prior established business relationship, who received  
9 more than one call made by or on behalf of Defendant  
10 that promoted Defendant’s products or services, within  
11 any twelve-month period, within four years prior to the  
12 filing of the complaint.

13 26. Plaintiff represents, and is a member of, The ATDS Class, consisting  
14 of all persons within the United States who received any collection telephone calls  
15 from Defendant to said person’s cellular telephone made through the use of any  
16 automatic telephone dialing system or an artificial or prerecorded voice and such  
17 person had not previously not provided their cellular telephone number to  
18 Defendant within the four years prior to the filing of this Complaint.

19 27. Plaintiff represents, and is a member of, The DNC Class, consisting  
20 of all persons within the United States registered on the National Do-Not-Call  
21 Registry for at least 30 days, who had not granted Defendant prior express consent  
22 nor had a prior established business relationship, who received more than one call  
23 made by or on behalf of Defendant that promoted Defendant’s products or services,  
24 within any twelve-month period, within four years prior to the filing of the  
25 complaint.

26 28. Defendant, its employees and agents are excluded from The Classes.  
27 Plaintiff does not know the number of members in The Classes, but believes the  
28 Classes members number in the thousands, if not more. Thus, this matter should  
be certified as a Class Action to assist in the expeditious litigation of the matter.

1           29. The Classes are so numerous that the individual joinder of all of its  
2 members is impractical. While the exact number and identities of The Classes  
3 members are unknown to Plaintiff at this time and can only be ascertained through  
4 appropriate discovery, Plaintiff is informed and believes and thereon alleges that  
5 The Classes includes thousands of members. Plaintiff alleges that The Classes  
6 members may be ascertained by the records maintained by Defendant.

7           30. Plaintiff and members of The ATDS Class were harmed by the acts of  
8 Defendant in at least the following ways: Defendant illegally contacted Plaintiff  
9 and ATDS Class members via their cellular telephones thereby causing Plaintiff  
10 and ATDS Class members to incur certain charges or reduced telephone time for  
11 which Plaintiff and ATDS Class members had previously paid by having to retrieve  
12 or administer messages left by Defendant during those illegal calls, and invading  
13 the privacy of said Plaintiff and ATDS Class members.

14           31. Common questions of fact and law exist as to all members of The  
15 ATDS Class which predominate over any questions affecting only individual  
16 members of The ATDS Class. These common legal and factual questions, which  
17 do not vary between ATDS Class members, and which may be determined without  
18 reference to the individual circumstances of any ATDS Class members, include,  
19 but are not limited to, the following:

- 20           a. Whether, within the four years prior to the filing of this  
21 Complaint, Defendant made any telemarketing/solicitation call  
22 (other than a call made for emergency purposes or made with  
23 the prior express consent of the called party) to a ATDS Class  
24 member using any automatic telephone dialing system or any  
25 artificial or prerecorded voice to any telephone number  
26 assigned to a cellular telephone service;
- 27           b. Whether Plaintiff and the ATDS Class members were damaged  
28 thereby, and the extent of damages for such violation; and



1 c. Whether Defendant should be enjoined from engaging in such  
2 conduct in the future.

3 32. As a person that received numerous telemarketing/solicitation calls  
4 from Defendant using an automatic telephone dialing system or an artificial or  
5 prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting  
6 claims that are typical of The ATDS Class.

7 33. Plaintiff and members of The DNC Class were harmed by the acts of  
8 Defendant in at least the following ways: Defendant illegally contacted Plaintiff  
9 and DNC Class members via their telephones for solicitation purposes, thereby  
10 invading the privacy of said Plaintiff and the DNC Class members whose telephone  
11 numbers were on the National Do-Not-Call Registry. Plaintiff and the DNC Class  
12 members were damaged thereby.

13 34. Common questions of fact and law exist as to all members of The  
14 DNC Class which predominate over any questions affecting only individual  
15 members of The DNC Class. These common legal and factual questions, which do  
16 not vary between DNC Class members, and which may be determined without  
17 reference to the individual circumstances of any DNC Class members, include, but  
18 are not limited to, the following:

- 19 a. Whether, within the four years prior to the filing of this  
20 Complaint, Defendant or its agents placed more than one  
21 solicitation call to the members of the DNC Class whose  
22 telephone numbers were on the National Do-Not-Call Registry  
23 and who had not granted prior express consent to Defendant and  
24 did not have an established business relationship with  
25 Defendant;
- 26 b. Whether Defendant obtained prior express written consent to  
27 place solicitation calls to Plaintiff or the DNC Class members'  
28 telephones;



1 c. Whether Plaintiff and the DNC Class member were damaged  
2 thereby, and the extent of damages for such violation; and

3 d. Whether Defendant and its agents should be enjoined from  
4 engaging in such conduct in the future.

5 35. As a person that received numerous solicitation calls from Defendant  
6 within a 12-month period, who had not granted Defendant prior express consent  
7 and did not have an established business relationship with Defendant, Plaintiff is  
8 asserting claims that are typical of the DNC Class.

9 36. Plaintiff will fairly and adequately protect the interests of the members  
10 of The Classes. Plaintiff has retained attorneys experienced in the prosecution of  
11 class actions.

12 37. A class action is superior to other available methods of fair and  
13 efficient adjudication of this controversy, since individual litigation of the claims  
14 of all Classes members is impracticable. Even if every Classes member could  
15 afford individual litigation, the court system could not. It would be unduly  
16 burdensome to the courts in which individual litigation of numerous issues would  
17 proceed. Individualized litigation would also present the potential for varying,  
18 inconsistent, or contradictory judgments and would magnify the delay and expense  
19 to all parties and to the court system resulting from multiple trials of the same  
20 complex factual issues. By contrast, the conduct of this action as a class action  
21 presents fewer management difficulties, conserves the resources of the parties and  
22 of the court system, and protects the rights of each Classes member.

23 38. The prosecution of separate actions by individual Classes members  
24 would create a risk of adjudications with respect to them that would, as a practical  
25 matter, be dispositive of the interests of the other Classes members not parties to  
26 such adjudications or that would substantially impair or impede the ability of such  
27 non-party Class members to protect their interests.

28 39. Defendant has acted or refused to act in respects generally applicable

1 to The Classes, thereby making appropriate final and injunctive relief with regard  
2 to the members of the Classes as a whole.

3 **FIRST CAUSE OF ACTION**

4 **Negligent Violations of the Telephone Consumer Protection Act**

5 **47 U.S.C. § 227(b)**

6 **On Behalf of the ATDS Class**

7 40. Plaintiff repeats and incorporates by reference into this cause of action  
8 the allegations set forth above at Paragraphs 1-45.

9 41. The foregoing acts and omissions of Defendant constitute numerous  
10 and multiple negligent violations of the TCPA, including but not limited to each  
11 and every one of the above cited provisions of *47 U.S.C. § 227(b)*, and in particular  
12 *47 U.S.C. § 227 (b)(1)(A)*.

13 42. As a result of Defendant's negligent violations of *47 U.S.C. § 227(b)*,  
14 Plaintiff and the Class Members are entitled an award of \$500.00 in statutory  
15 damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

16 43. Plaintiff and the ATDS Class members are also entitled to and seek  
17 injunctive relief prohibiting such conduct in the future. *47 U.S.C. § 227(b)(3)(A)*.

18  
19 **SECOND CAUSE OF ACTION**

20 **Knowing and/or Willful Violations of the Telephone Consumer Protection**

21 **Act**

22 **47 U.S.C. § 227(b)**

23 **On Behalf of the ATDS Class**

24 44. Plaintiff repeats and incorporates by reference into this cause of action  
25 the allegations set forth herein.

26 45. The foregoing acts and omissions of Defendant constitute numerous  
27 and multiple knowing and/or willful violations of the TCPA, including but not  
28 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(b)*,

1 and in particular 47 U.S.C. § 227 (b)(1)(A).

2 46. As a result of Defendant's knowing and/or willful violations of 47  
3 U.S.C. § 227(b), Plaintiff and the ATDS Class members are entitled an award of  
4 \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C.  
5 § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

6 47. Plaintiff and the Class members are also entitled to and seek injunctive  
7 relief prohibiting such conduct in the future.

8 **THIRD CAUSE OF ACTION**

9 **Negligent Violations of the Telephone Consumer Protection Act**

10 **47 U.S.C. § 227(c)**

11 **On Behalf of the DNC Class**

12 48. Plaintiff repeats and incorporates by reference into this cause of action  
13 the allegations set forth herein.

14 49. The foregoing acts and omissions of Defendant constitute numerous  
15 and multiple negligent violations of the TCPA, including but not limited to each  
16 and every one of the above cited provisions of 47 U.S.C. § 227(c), and in particular  
17 47 U.S.C. § 227 (c)(5).

18 50. As a result of Defendant's negligent violations of 47 U.S.C. § 227(c),  
19 Plaintiff and the DNC Class Members are entitled an award of \$500.00 in statutory  
20 damages, for each and every violation, pursuant to 47 U.S.C. § 227(c)(5)(B).

21 51. Plaintiff and the DNC Class members are also entitled to and seek  
22 injunctive relief prohibiting such conduct in the future. 47 U.S.C. § 227(c)(5)(A).

23 **FOURTH CAUSE OF ACTION**

24 **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
25 **Act**

26 **47 U.S.C. § 227(c)**

27 **On Behalf of the DNC Class**

28 52. Plaintiff repeats and incorporates by reference into this cause of action

1 the allegations set forth herein.

2 53. The foregoing acts and omissions of Defendant constitute numerous  
3 and multiple knowing and/or willful violations of the TCPA, including but not  
4 limited to each and every one of the above cited provisions of *47 U.S.C. § 227(c)*,  
5 in particular *47 U.S.C. § 227 (c)(5)*.

6 54. As a result of Defendant's knowing and/or willful violations of *47*  
7 *U.S.C. § 227(c)*, Plaintiff and the DNC Class members are entitled an award of  
8 \$1,500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C.*  
9 *§ 227(c)(5)*.

10 55. Plaintiff and the DNC Class members are also entitled to and seek  
11 injunctive relief prohibiting such conduct in the future.

12  
13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff requests judgment against Defendant for the following:

15 **FIRST CAUSE OF ACTION**

16 **Negligent Violations of the Telephone Consumer Protection Act**

17 **47 U.S.C. § 227(b)**

- 18 • As a result of Defendant's negligent violations of *47 U.S.C.*  
19 *§227(b)(1)*, Plaintiff and the ATDS Class members are entitled to and  
20 request \$500 in statutory damages, for each and every violation,  
21 pursuant to *47 U.S.C. 227(b)(3)(B)*.  
22 • Any and all other relief that the Court deems just and proper.  
23

24 **SECOND CAUSE OF ACTION**

25 **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
26 **Act**

27 **47 U.S.C. § 227(b)**

- 28 • As a result of Defendant's willful and/or knowing violations of *47*

1           *U.S.C. §227(b)(1)*, Plaintiff and the ATDS Class members are  
2           entitled to and request treble damages, as provided by statute, up to  
3           \$1,500, for each and every violation, pursuant to *47 U.S.C.*  
4           *§227(b)(3)(B)* and *47 U.S.C. §227(b)(3)(C)*.

- 5           • Any and all other relief that the Court deems just and proper.

6                           **THIRD CAUSE OF ACTION**

7           **Negligent Violations of the Telephone Consumer Protection Act**

8                           **47 U.S.C. § 227(c)**

- 9           • As a result of Defendant's negligent violations of *47 U.S.C.*  
10           *§227(c)(5)*, Plaintiff and the DNC Class members are entitled to and  
11           request \$500 in statutory damages, for each and every violation,  
12           pursuant to *47 U.S.C. 227(c)(5)*.

- 13           • Any and all other relief that the Court deems just and proper.

14                           **FOURTH CAUSE OF ACTION**

15           **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
16                           **Act**

17                           **47 U.S.C. § 227(c)**

- 18           • As a result of Defendant's willful and/or knowing violations of *47*  
19           *U.S.C. §227(c)(5)*, Plaintiff and the DNC Class members are entitled  
20           to and request treble damages, as provided by statute, up to \$1,500,  
21           for each and every violation, pursuant to *47 U.S.C. §227(c)(5)*.

- 22           • Any and all other relief that the Court deems just and proper.

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1           56. Pursuant to the Seventh Amendment to the Constitution of the United  
2 States of America, Plaintiff is entitled to, and demands, a trial by jury.

3  
4  
5           Respectfully Submitted this 2nd Day of April, 2017.

6                           LAW OFFICES OF TODD M. FRIEDMAN, P.C.

7                                   By: /s/ Todd M. Friedman

8   Todd M. Friedman

9   Law Offices of Todd M. Friedman

10    Attorney for Plaintiff  
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